

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Eric Lamback, Debtor. U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association, Movant, v. Eric Lamback, Debtor/Respondent, Kenneth E West, Trustee/Respondent.	Bankruptcy No. 22-13186-elf Chapter 13 Related to Doc. No. 9
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**U.S. BANK’S OBJECTION TO CONFIRMATION OF
DEBTOR’S CHAPTER 13 PLAN**

Secured creditor, U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association, (“U.S. Bank”), by and through its undersigned counsel, hereby objects to the proposed Chapter 13 Plan of Debtor, Eric Lamback, and in support thereof alleges as follows:

1. Debtor, Eric Lamback, filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on November 29, 2022.
2. U.S. Bank holds a security interest in the Debtor’s real property located 751 Germantown Pike, Lafayette, Pennsylvania 19444 (the “Property”), by virtue of a Mortgage recorded

with the Montgomery County Recorder of Deeds on December 8, 2004 at Instrument No. 2004234734 which has ultimately been assigned to U.S. Bank.

3. Said Mortgage secures a Note in the amount of \$660,000.00.
4. Upon review of internal records, it is anticipated that U.S. Bank's Proof of Claim will include a pre-petition arrearage of approximately \$172,208.81. A true and correct copy of the pre-petition arrearage is attached hereto as Exhibit "A."
5. On December 9, 2022, Debtor filed a Chapter 13 Plan (the "Plan"). A true and correct copy of the Plan is attached hereto as Exhibit "B."
6. The Plan proposes to pay U.S. Bank's pre-petition arrearages in the amount of \$168,673.28, over the life of the Plan. See Exhibit "B."
7. Thus, the Plan is underfunded, and therefore, infeasible.
8. Accordingly, pursuant to 11 U.S.C.A. § 1325(a)(5) U.S. Bank hereby objects to Debtor's proposed Plan due to the fact that the value of the property to be distributed thereunder will be less than the allowed amount under the claim. See 11 U.S.C.A. § 1325(a)(5)(B)(ii).

WHEREFORE, Secured creditor, U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association, respectfully requests that this Court not confirm Debtor's Chapter 13 Plan.

Respectfully Submitted,

**Robertson, Anschutz, Schneid, Crane &
Partners, PLLC**

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Date: 1/4/2023

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 4, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

Eric Lamback
751 Germantown Pike
Lafayette Hill, PA 19444

MICHAEL W. GALLAGHER
M.W. Gallagher Esquire
600 West Germantown Pike
Suite 400
Plymouth Meeting, PA 19462

KENNETH E. WEST
Office of the Chapter 13 Standing Trustee
1234 Market Street - Suite 1813

Philadelphia, PA 19107

United States Trustee
Office of United States Trustee
Robert N.C. Nix Federal Building
900 Market Street
Suite 320
Philadelphia, PA 19107

Respectfully Submitted,

**Robertson, Anschutz, Schneid, Crane &
Partners, PLLC**

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